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Attorneys for Defendant
Heritage Building Group, Inc.

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

COLUMBIA GAS TRANSMISSION
CORPORATION,

Plaintiff,

vs.

AN EASEMENT TO CONSTRUCT,
OPERATE AND MAINTAIN A 24-INCH
GAS TRANSMISSION PIPELINE ACROSS
PROPERTIES IN CHESTER COUNTY,
PENNSYLVANIA, OWNED BY JAY PAR AND
PAR ANBIL, et al. and UNKNOWN PERSONS
AND INTERESTED PARTIES,

Defendants.

C.A. No. 02-CV-3733

RESPONSE IN OPPOSITION
TO MOTION FOR IMMEDIATE
ACCESS AND POSSESSION
OF EASEMENTS CONDEMNED
FOR PIPELINE REPLACEMENT

Defendant, Heritage Building Group, Inc. ("Heritage"), by and through its attorneys, Eastburn & Gray, P.C., files this Response in Opposition to the Motion of Columbia Gas Transmission Corporation ("Columbia") for Immediate Access and Possession of Easements Condemned for Pipeline Replacement, in the above-captioned matter as follows:

1. Heritage admits the allegations contained in Paragraphs 1 and 2 of the Motion.

2. Heritage lacks information and belief sufficient to admit or deny the allegations contained in Paragraphs 3, 5, 7, 8, 9, 10, 11 and 12 of the Motion and on that basis denies the allegations contained in Paragraphs 3, 5, 7, 8, 9, 10, 11 and 12 of the Motion.

3. Heritage denies each and every allegation in Paragraphs 4 and 6 of the Motion. Heritage denies the allegations in Paragraph 4 of the Motion because it lacks information and belief sufficient to admit or deny the allegations concerning Columbia's negotiations with other landowners of the properties on which the affected segment of Line 1896 are located and on that basis denies the same.

Heritage denies each and every allegation of Paragraphs 4 and 6, as they pertain to Heritage as a landowner of a property on which the affected segment of Line 1896 is located. Heritage wholly disputes Columbia's authority to condemn the easements necessary for replacing the segment of Line 1896 because Columbia has not satisfied the necessary prerequisites to its exercise of eminent domain, as set forth in section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h), in that it has not sufficiently negotiated, with Heritage, the taking of a pipeline easement over the Property, either by contract or by agreement with Heritage as to the compensation to be paid for said pipeline easement. Also, there is no authority, either statutory or substantive, or equitable consideration that would entitle Columbia to immediate possession of the Property in which Heritage has an interest.

WHEREFORE, Heritage Building Group, Inc., requests that this Honorable Court deny Plaintiff, Columbia Gas Transmission Corporation's, Motion for Immediate Access and Possession of Easements Condemned for Pipeline Replacement, and enter the proposed Order attached hereto.

Respectfully submitted,

Eastburn & Gray, P.C.

By: _____
John A. VanLuvanee, Esq.
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Attorneys for Defendant
Heritage Building Group, Inc.

Dated: _____